

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1(b)

833135  
PHELAN HALLINAN DIAMOND & JONES, PC  
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Philadelphia, PA 19103  
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Attorneys for LOANCARE, LLC

In Re:

TEMEKO R. FOSTER D/B/A WOW YOUR IDEAS  
MICHELLE R. FOSTER



Order Filed on April 6, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No: 19-27085 - MBK

Hearing Date: January 14, 2020

Judge: MICHAEL B KAPLAN

Recommended Local Form:



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

**DATED: April 6, 2020**

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: LOANCARE, LLC  
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC  
Debtor's Counsel: LEE MARTIN PERLMAN, Esquire  
Property Involved ("Collateral"): 51 PAGEANT LANE, WILLINGBORO, NJ 08046

Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 5 months, from 10/01/2019 to 03/01/2020.

☒ The Debtor is overdue for 5 payments at \$1,139.07 per month.

☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.

☐ Applicant acknowledges suspense funds in the amount of \$\_\_\_\_\_.

Total Arrearages Due \$6,834.42.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$2,278.14. Payment shall be made no later than 03/31/2020.

☒ Beginning on 04/01/2020, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 04/01/2020, additional monthly cure payments shall be made in the amount of \$759.38 for 6 months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

LoanCare, a Division of FNF  
Servicing, Inc.  
ATTN: BK-Dept.  
3637 Sentara Way  
Virginia Beach, VA 23452

☒ Regular Monthly payment:

LoanCare, a Division of FNF  
Servicing, Inc.  
ATTN: BK-Dept.  
3637 Sentara Way  
Virginia Beach, VA 23452

☒ Monthly cure payment:

LoanCare, a Division of FNF  
Servicing, Inc.  
ATTN: BK-Dept.  
3637 Sentara Way  
Virginia Beach, VA 23452

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

☒ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

## Certificate of Notice Page 5 of 5

United States Bankruptcy Court  
District of New JerseyIn re:  
Temeko R. Foster  
Michelle R. Foster  
DebtorsCase No. 19-27085-MBK  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Apr 08, 2020.

db/jdb +Temeko R. Foster, Michelle R. Foster, 400 Maple Grove Boulevard, Lumberton, NJ 08048-4618

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 08, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 6, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor MEB Loan Trust IV dcarlon@kmlawgroup.com,  
 bkgroup@kmlawgroup.com  
 Douglas J. McDonough on behalf of Creditor Bank of America, NA DMcDonough@flwlaw.com  
 Lee Martin Perlman on behalf of Debtor Temeko R. Foster ecf@newjerseybankruptcy.com,  
 mcdoherty@ecf.courtdrive.com  
 Lee Martin Perlman on behalf of Joint Debtor Michelle R. Foster ecf@newjerseybankruptcy.com,  
 mcdoherty@ecf.courtdrive.com  
 Nicholas V. Rogers on behalf of Creditor CALIBER HOME LOANS, INC. nj.bkecf@fedphe.com  
 Nicholas V. Rogers on behalf of Creditor LOANCARE, LLC nj.bkecf@fedphe.com  
 Robert Davidow on behalf of Creditor LOANCARE, LLC nj.bkecf@fedphe.com  
 Sindi Mncina on behalf of Creditor CALIBER HOME LOANS, INC. smncina@rascrane.com  
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10